

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 20, 2004
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John F. Cook, Daniel S. Power, Vivian Rojas, and Anthony W. Cobos. Absent: None. Late arrivals: Jose Alexandro Lozano arrived at 9:10 a.m. and Paul J. Escobar arrived at 9:44 a.m. Meeting was called to order 9:06 a.m. and the invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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No action was taken on the presentation regarding Tax Abatement for Media Copy Company.
[Media Copy Workers Committee – Rosa Calderon and Jorge L. Avila]

Mr. Jorge L. Avila, Media Copy Workers Committee representative, explained that 500 Media Copy employees were terminated on December 8, 2003 without notice and severance pay. He requested that the City investigate Media Copy regarding the use of the City's tax abatement monies.

Mayor Joe Wardy stated that the Economic Development Department would review the abatement.

Mr. Guillermo Glenn, citizen, requested that Media Copy return the City's tax abatement monies and those monies be utilized to retrain the recently terminated employees. He commented on the lack of training for Spanish-speaking workers provided by the Work Force Board and suggested that the City help develop a bi-lingual vocational center.

Mayor Joe Wardy and Representative Cushing requested that Messrs. Avila and Glenn meet with them.

Representative Rojas requested the names of the agencies that were not providing assistance for the Spanish-speaking workers.

Mr. Glenn cited the local Work Force Board, Texas Workforce Commission (at the State level) and the Department of Labor.

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Motion made by Representative Cobos, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}). Representative Escobar was not present for the vote.
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Motion made by Representative Rojas, seconded by Representative Cobos to reconsider the approval of Minutes for the Regular City Council Meetings of January 2, January 6, and January 13, 2004. Minutes had been approved previously with the consent agenda.

Motion made by Representative Rojas, seconded by Representative Cushing and unanimously carried to approve the minutes for the Regular City Council Meetings of January 2 and January 6, 2004.

Motion made by Representative Rojas, seconded by Representative Cushing and unanimously carried to postpone one (1) week the minutes for the Regular City Council Meeting of January 13, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **EDUARDO GONZALEZ**, to assist for the Arts and Culture Department at \$8.67 per hour not to exceed 20 hours per week without permission from the Co-Op Coordinator, in which case student may work up to 40 hours per week. The term of the contract shall be for the period of February 2, 2004 through August 31, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and ARTEMIO M. ARVIZO and MARIA GUTIERREZ for the purchase of Lot 12, Block 26, WOODLAWN, El Paso, El Paso County, Texas, also known as 222 Gateway Boulevard North to be used for the purpose of completing the EL PASO ZOO EXPANSION PROJECT.

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*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Business Account Authorization Agreement, along with any modifications to that Agreement, between Morgan Stanley DW, Inc., Morgan Stanley Dean Witter Commercial Services, Inc. and the City of El Paso authorizing Morgan Stanley DW, Inc. to open a BusinessScape Account in the name of the City, and to obtain and borrow at any time and from time to time under, any commercial line of credit that may be extended, and/or term loan that may be made or any other financial accommodation, financial service or extension of credit, by Morgan Stanley Dean Witter Commercial Financial Services, Inc. to the City, subject to the terms and conditions set forth in the Agreement.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to serve champagne at One Arts Festival Plaza at the *Lectureship in Art History* members-only reception sponsored by the El Paso Museum Foundation on the evening of January 27, 2004.

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***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Municipal Court "Juvenile Compliance Project" be operated for the Fiscal Year 2005; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates the Mayor as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That the El Paso City Council approves submission of the grant application for the Municipal Court "Juvenile Compliance Project" to the Office of the Governor, Criminal Justice Division.
- 2. That the Mayor be authorized to sign the grant application including all understanding and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$18,036.00 from the City of El Paso Municipal Court to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the Municipal Court Juvenile Compliance Project.
- 3. The City of El Paso agrees to provide \$32,064.00 from the General Fund for a total funding amount of \$50,100.00

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the PARKS AND RECREATION DEPARTMENT, and YWCA - CHILD CARE MANAGEMENT SERVICE for daycare cost subsidies to eligible low income families at the daycare center located at the Judge Morris A. Galatzan Recreation Center, more particularly described as 650 Wallenberg, El Paso, Texas 79912.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

PAVO REAL RECREATION CENTER
DEPARTMENT ID: 51510115, ACCOUNT 501011

- 1. CONTRACTOR: Karina L. Chavez, Assistant Daycare Instructor Aide, Step 1
DATES: January 21, 2004, thru August 31, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-140**
- 2. CONTRACTOR: Veronica Becerra, Assistant Daycare Instructor Aide, Step 1
DATES: January 21, 2004, thru August 31, 2004
RATES PER HR: \$5.35
CONTRACT NO: **2003/2004-141**
- 3. CONTRACTOR: Angelica Juarez, Pre-School Instructor
DATES: January 21, 2004, thru August 31, 2004
RATE PER HR: \$6.45
CONTRACT NO: **2003/2004-142**

4. CONTRACTOR: Elsa Taylor, Pre-School Instructor
DATES: January 21, 2004, thru August 31, 2004
RATES PER HR: \$6.45
CONTRACT NO: 2003/2004-143

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the "Park Partner" Agreement with the following individual for maintenance and other services on City property as described in the Agreement:

Edgar Phinney Arroyo Park
(El Paso Tennis Club)

and that the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following individual for maintenance and other services on City property as described in the Agreement:

Felipe Ortega Reese McCord Park
(Vista del Sol Park)

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement:

LULAC Council #132 Washington Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a request for the extension of the award period to the U.S. Department of Justice, Office of Community Oriented Policing Services, to extend the award ending date to August 31, 2005 for the COPS Universal Hiring Grant, #1995CCWX0207, and to sign and submit other request for deadline extensions for this grant as may become necessary.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Amendment Number 1 to the Texas Highway Traffic Safety Program Comprehensive Step Grant Agreement to revise the Traffic Safety Project Description requirements in Attachment C of the Agreement, to remove baseline measures I and J and to revise the objectives/performance measures required under the agreement.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application form for a COPS Securing our Schools Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the amount of \$50,000.00 for the purpose of providing training and coordination with local school districts and other agencies regarding a public safety response program. Matching funds required in the amount of \$25,000.00.

***RESOLUTION**

WHEREAS, on January 2, 2004, the City Council of the City of El Paso resolved to place a lien in the amount of Four Hundred Fifty-Seven and 90/100 (\$457.90) on the property located at:

2121 Portland Avenue, City of El Paso, El Paso County

as a result of the aforementioned property owner's failure to comply with Chapter 9.04 of the El Paso City Code, and failure to remit payment to the City for work done by the City Sanitation Department as a result of this failure to comply with Chapter 9.04; and

WHEREAS, the City Council has now been informed that the agenda contained a typographical error in the municipally known and numbered address;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council hereby rescinds its action of January 2, 2004, resolving to place a lien on the property located at the 2121 Portland Avenue, and instructing the City Clerk not to file a copy of that Resolution as notice of that Lien.

NOTE: Resolution was revised.

*Motion made, seconded and unanimously carried to approve the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A.** Recreation Leader II (1)
- B.** Aquatics Supervisor (1)

*Motion made, seconded and unanimously carried to approve the staffing table change for Health

Add	0.50	Veterinary Technician	GS20
Add	0.50	Veterinary Technician	GS20

NOTE: Item was revised.

*Motion made, seconded and unanimously carried to approve the staffing table change for Fire

Add	15.00	Certified Fire Fighter Trainee	19
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*Motion made, seconded and unanimously carried to approve the staffing table change for Mayor & Council

Add	1.00	Administrative Assistant	GS23
Delete	1.00	Secretary III	GS19

*Motion made, seconded and unanimously carried to re-appoint Ruth Mojica-Hammer to the Mayor's Advisory Board on Aging by Representative Daniel S. Power, District 5.

*Motion made, seconded and unanimously carried to postpone one (1) the appointment of Mitchel Doblado to the El Paso Bond Overview Advisory Committee by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded and unanimously carried to appoint Robert A. Gonzales to the Parks and Recreation Advisory Board by Representative Daniel S. Power, District 5.

*Motion made, seconded and unanimously carried to delete the appointment of Delores Wardy to the Tree Board by Representative Paul J. Escobar, District 6.

*Motion made, seconded and unanimously carried to approve the request for the installation of guardrail post at 8000 Porche. Cost is \$1,177.15.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C050-999-0490-0102, \$678.15 per month installments on a balance of \$4,068.90 for 2001 & 2002 taxes; Esperanza M. Yee – 1021 Campbell.
- B. PID #C619-999-0010-5700, \$506.25 per month installments on a balance of \$3,037.50 for 1999, 2000, & 2002 taxes; Ruth O. Muñoz - 426 Buena Vista.
- C. PID #E222-999-1430-4500, \$283.22 per month installments on a balance of \$3,398.64 for 2001 & 2002 taxes; Saul & Corinna Martinez, & Sergio A. Martinez – 10157 Sumatra Ave.
- D. PID #M602-000-0030-0016, \$365.10 per month installments on a balance of \$6,571.80 for 2000, 2001 & 2002 taxes; Arturo & Elvia Ruiz – 937 Fairlane Dr.
- E. PID #M760-999-001E-0024, \$233.10 per month installments on a balance of \$2,797.20 for 2001 & 2002 taxes; Francisco Jr. & E. Saavedra – 6347 Arce Dr.
- F. PID #1995-999-0520-0034, \$297.64 per month installments on a balance of \$3,571.68 for 1996, 1997, 1998, 1999, 2000, 2001 & 2002 taxes; Dental Works % David Flores – 7598 Mesa.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Kasco Ventures, Inc. in the amount of \$2,679.69, overpayment of 2002 taxes.
(PID #B853-999-0020-1020)
- B. Chase Manhattan Mortgage Corporation in the amount of \$2,927.31 overpayment of 2003 taxes.
(PID #C340-999-1380-1600)
- C. Joseph B. & Laura Karam in the amount of \$6,419.69 overpayment of 2003 taxes.
(PID #E073-999-000A-2900)
- D. 6839 Commerce Joint Venture in the amount of \$4,894.92 overpayment of 2003 taxes.
(PID #E131-999-0020-9300)
- E. Chase Manhattan Mortgage Corporation in the amount of \$3,069.16 overpayment of 2003 taxes.
(PID #H788-011-0070-3600)

- F. Richard T. & Valerie R. Beitz in the amount of \$4,623.50 overpayment of 2003 taxes.
(PID #N425-999-0010-1500)
- G. Sierra Title Company in the amount of \$5,119.53 overpayment of 2003 and part of 2002 taxes.
(PID #N425-999-0050-2300)
- H. First American Title Company in the amount of \$2,524.84 overpayment of 2003 taxes.
(PID #P654-999-1210-4700)
- I. Mary Jane E. Grant Claude in the amount of \$2,533.82 overpayment of 2003 taxes.
(PID #S373-999-002B-0700)
- J. Land America Lawyers Title in the amount of \$2,899.13 overpayment of 2003 taxes.
(PID #S812-999-0390-0100)
- K. First American Title Co. in the amount of \$5,777.32 overpayment of 2003 taxes.
(PID #T129-999-0020-6500)
- L. Carlos I. & Raquel F. Montiel in the amount of \$2,558.35 overpayment of 2002 & 2003 taxes.
(PID #T213-999-0200-2200)

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 Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from February 11, 2004 through February 10, 2005, pursuant to the provisions of contract 2002-059 Waste Removal and Disposal Service, with Environmental Services of Texas, Inc. El Paso, Texas.

Option No.: One (of One)

Department: Municipal Services

Funds Available: Various

Funding Source: Various

Amount of Award: \$53,522.87 (annual estimate)

Representatives Lozano, Austin, Power, and Escobar asked questions of Mr. Byron Johnson, Director of Purchasing and Mr. Ed Drusina, Deputy Chief Administrative Officer, Municipal Services.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from February 11, 2004 through February 10, 2005, pursuant to the provisions of contract 2002-059 Waste Removal and Disposal Service, with Environmental Services of Texas, Inc. El Paso, Texas.

Option No.: One (of One)

Department: Municipal Services

Funds Available: Various

Funding Source: Various

Amount of Award: \$53,522.87 (annual estimate)

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-298 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 3,300	to	51159242/P51800081416153/405072	PrkIndDedFee
Increase	\$ 3,300	to	51159242/P51800081416153/508004	PubUseFacEq

Increase	\$ 4,800	to	51159242/P51800014716121/405072	PrkIndDedFee
Increase	\$ 4,800	to	51159242/P51800014716121/508004	PubUseFacEq
Increase	\$ 7,800	to	51159242/P51800083616175/405072	PrkIndDedFee
Increase	\$ 7,800	to	51159242/P51800083616175/508004	PubUseFacEq
Increase	\$48,300	to	51159242/P51800015416128/405072	PrkIndDedFee
Increase	\$48,300	to	51159242/P51800015416128/508004	PubUseFacEq
Increase	\$ 636	to	51159242/P51800085816336/405072	PrkIndDedFee
Increase	\$ 636	to	51159242/P51800085816336/508004	PubUseFacEq

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Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to add a new location on Trade Center Way from Desert Boulevard North of Northwestern Drive. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- B. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ART MUSEUM REGISTRAR**.
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **DEPUTY MUSEUM DIRECTOR**.
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ART MUSEUM ASSISTANT CURATOR**.
- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ART MUSEUM CURATOR**.
- F. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **MUSEUM PREPARATOR**.
- G. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **BUDGET SPECIALIST**.
- H. An Ordinance amending Ordinance No. 014800, which authorized the City of El Paso to enter into a Lease Agreement with McClatchey Broadcasting Company, dba KELP 1590 Christian Radio, for the purpose of amending the terms of the Lease Agreement dated March 27, 2001.
- I. An Ordinance of the City Council of the City of El Paso, Texas, repealing Ordinance 8276, which amended in its entirety Ordinance 7145 which established an Employee Suggestion Program for the City of El Paso.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 3, 2004 FOR ITEMS A – I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Escobar was not present for the vote.

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Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to approve Conditional "B" building permits for Tierra Del Este Unit Fifteen Subdivision based on the finding of economic hardship.

Representatives Escobar and Rojas were not present for the vote.

Mr. Bashar Abugalyon, Engineering Department, read the department's finding into the record.

Mr. Conrad Conde, representing the applicant, commented.

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to approve Conditional "B" building permits for Tierra Del Este Unit Sixteen Subdivision based on the finding of economic hardship.

Representatives Escobar and Rojas were not present for the vote.

Mr. Bashar Abugalyon, Engineering Department, read the department's finding into the record.

Mr. Conrad Conde, representing the applicant, commented.

No action was taken on the discussion of First Quarterly Financial Report.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, gave a Powerpoint presentation regarding the First Quarterly Financial Report for the City (on file in the City Clerk's office) and answered questions from and responded to comments made by the Council Members.

Mr. Jim Martinez, Chief Administrative Officer, commented on the Fire Department's overtime budget and efforts being made by the Department to reduce overtime costs. He answered questions from and responded to comments made by the Council Members.

Representatives Austin, Power, Cushing, Escobar, and Cobos asked questions of Mr. Chapman and added comments.

Mayor Joe Wardy addressed the Fire Department's overtime budget, the implementation of a loss prevention program, the City's health care budget, the Public Service Board's recent water rate increase of which the City would receive 10%, and revenue of property sold by the Public Service Board.

*Motion made, seconded and unanimously carried to postpone six (6) weeks an Ordinance creating Tax Increment Financing District Number Four (No. 4), City of El Paso (50 acre site on the Southeast corner of Viscount and Hawkins Blvd.); making Findings Of Fact concerning the conditions of blight, residential property and assessed valuation within said District; creating a Tax Increment District Board of Directors and defining the powers, duties and terms of office thereof; providing for submission of a plan of improvements for said District; providing for duties of the Tax Assessor; setting the boundaries for said District; and providing a Severability Clause.

Representative Cobos was requested to schedule a Legislative Review of the Whole Committee meeting to allow for public discussion.

ORDINANCE 15672

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 2: A PORTION OF NELLIE D. MUNDY SURVEY NO. 241, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF S.J. LARKIN SURVEY NO. 264 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 4: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 5: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 6: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: A PORTION OF NELLIE D.**

MUNDY SURVEY NO. 240 AND NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 10: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), PARCEL 11: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 12: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), AND PARCEL 13: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

Mr. George Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and noted that there was no opposition to the zoning change request. He answered questions from and responded to comments made by the Council Members and noted the following recommendations by the DCC (Development Coordinating Committee) and CPC (City Plan Commission):

Development Coordinating Committee Recommendations:

Parcels 1, 3, and 5 as C-1;
Parcels 2, 6, 9, and 11 as C-3 with conditions;
Parcels 4, 7, 8, 12 and 13 as R-3A; and
Parcel 10 as A/O

City Plan Commission Recommendations:

Parcels 1, 3, and 5 as C-1;
Parcels 4, and 12, as R-3A;
Parcels 7, 8, and 13 as R-3A with conditions;
Parcels 2, 6, 9, and 11 as C-3 with conditions;
Parcel 10 as A/O

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to postpone eight (8) weeks a public hearing to determine if the property located at 160 Newman St., aka 1400-1402 Myrtle Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Telles Group Inc., A Texas Corporation, 2120 Myrtle Avenue, El Paso, Texas 79901, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone eight (8) weeks a public hearing to determine if the property located at 700 E. Third Avenue AKA 502 S. Florence Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 5th, 2003. The owners of this property, Adolfo J. & Alexandro Avila, 8445 New Haven Drive, El Paso, Texas 79907, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Representative Cushing was not present for the vote.

Mr. Thomas Maguire, Building Permits and Inspections, read the Department's recommendations into the record.

Ms. Socorro DeAnda, representing Lydia Patterson Institute, requested that City Council postpone the matter for eight weeks to allow the school to conduct an asbestos study and request a demolition permit from the City.

ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gift identified further in Exhibit A: (Exhibit A on file with this Resolution in the City Clerk's Office).

- 1. One (1) lithograph by artist James Drake, valued at \$5,000.00, entitled **Revelations II**, 1973, 28" x 37 ¼", offered by Joe Campbell of El Paso, Texas.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase, on behalf of the City of El Paso, the following works to be purchased through the Robert U. and Mabel O. Lipscomb Foundation Endowment identified further in Exhibit A: (Exhibit A on file with this Resolution in the City Clerk's Office).

- 1. One (1) serigraph/hand-done silkscreen, edition of 26, by James Drake, **Killer Cicada**, 1991, 37 ½" x 49 ¼", at \$1,029.00, offered by Adair Margo Gallery, El Paso, Texas, and
- 2. One (1) serigraph/hand-done silkscreen, edition of 26, by James Drake, **Noche de Oro**, 1991, 37 ½" x 49 ¼", at \$1,029.00, offered by Adair Margo Gallery, El Paso, Texas, and
- 3. One (1) serigraph/hand-done silkscreen, edition of 26, by James Drake, **Red Rockets**, 1991, 37" x 49 ¼", at \$1,029.00, offered by Adair Margo Gallery, El Paso, Texas, and

4. One (1) lithograph and glitter by Luis Jimenez, **Honky Tonk**, 1981, 35" x 50", at \$5,000.00, offered by Adair Margo Gallery, El Paso, Texas, and
5. One (1) colored pencil on paper by Luis Jimenez, **Dead Coyote**, 1974, 27 ½" x 39 ½", at \$3,500.00, offered by Adair Margo Gallery, El Paso, Texas.

Representative Lozano questioned whether or not the Museum of Art utilized other art galleries.

Mr. Christian Gerstheimer, Assistant Curator, explained that the Adair Margo Gallery had paintings by the artists James Drake and Luis Jimenez for sale of which the endowment would provide the monies for the purchase of those paintings.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an Incoming Loan Agreement for the exhibition **"Frida Kahlo: Portraits of an Icon"**, March 21 through July 11, 2004, organized by Throckmorton Fine Art, Inc., New York, New York. Exhibition fee is \$4,000.00 plus \$800.00 shipping.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an Incoming Loan Agreement for the exhibition **"Tales from the Easel: American Narrative Paintings from Southern Museums"**, January 16 through April 10, 2005, organized by the Columbus Museum, Columbus, Georgia. Participation fee is \$35,000.00, plus \$7,000.00 shipping fee.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an Incoming Loan Agreement for the exhibition **"Texas Flags"**, September 12, 2004 through January 9, 2005, organized by the Center for Texas Studies at Texas Christian University, Fort Worth, Texas. Exhibition fee is \$25,000.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an Outgoing Loan Agreement on behalf of the City of El Paso, for the loan of seventeen (17) works of art by artist **Tom Lea** to Exhibits USA, Kansas City, Missouri, for the traveling exhibition **"Light from the Sky: A Tom Lea Retrospective, 1907-2001" March 2004 - April 2006**. At this time the works are scheduled to be exhibited at the First Division Museum at Cantigny in Wheaton, Illinois, The J. Wayne Stark University Center Galleries in College Station, Texas, the Museum of the Southwest in Midland, Texas, and the Art Museum of South Texas in Corpus Christi, Texas. Other venues will be announced at a later date. There are no costs attached to this loan.

*Motion made, seconded and unanimously carried to re-appoint Guy Johnsen, DVM to the Board of Health, as nominated by the El Paso Veterinary Medical Association, by Mayor Joe Wardy.

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*Motion made, seconded and unanimously carried to delete the following executive session item: James Terrell vs. City of El Paso, et al, Cause No. EP-03-CA-0364, Our File No. 02-S-50 (551.071)

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Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to adjourn this meeting at 10:46 a.m.
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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk